

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide for the participation of Puerto Rico, American Samoa, and the Commonwealth of the Northern Mariana Islands in the supplemental nutrition assistance program.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

H. R. 2

To provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2023, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by
_____ to the amendment (No. 3224)
proposed by Mr. ROBERTS

Viz:

1 At the end of subtitle A of title IV, add the following:

2 **SEC. 41 ____ . PARTICIPATION OF PUERTO RICO, AMERICAN**

3 **SAMOA, AND THE NORTHERN MARIANA IS-**

4 **LANDS IN SUPPLEMENTAL NUTRITION AS-**

5 **SISTANCE PROGRAM.**

6 (a) IN GENERAL.—

7 (1) DEFINITIONS.—Section 3 of the Food and

8 Nutrition Act of 2008 (7 U.S.C. 2012) is amend-

9 ed—

1 (A) in subsection (r), by inserting “the
2 Commonwealth of Puerto Rico, American
3 Samoa, the Commonwealth of the Northern
4 Mariana Islands,” after “Guam,”; and

5 (B) in subsection (u)(3), by inserting “the
6 Commonwealth of Puerto Rico, American
7 Samoa, the Commonwealth of the Northern
8 Mariana Islands,” after “Guam,”.

9 (2) ELIGIBLE HOUSEHOLDS.—Section 5 of the
10 Food and Nutrition Act of 2008 (7 U.S.C. 2014) is
11 amended—

12 (A) in subsection (b), in the first sentence,
13 by inserting “the Commonwealth of Puerto
14 Rico, American Samoa, the Commonwealth of
15 the Northern Mariana Islands,” after “Guam,”;

16 (B) in subsection (c)(1), by striking “and
17 Guam,” and inserting “Guam, the Common-
18 wealth of Puerto Rico, American Samoa, and
19 the Commonwealth of the Northern Mariana Is-
20 lands,”; and

21 (C) in subsection (e)—

22 (i) in paragraph (1)(A), by inserting
23 “the Commonwealth of Puerto Rico, Amer-
24 ican Samoa, the Commonwealth of the

1 Northern Mariana Islands,” after “Ha-
2 waii,” each place it appears; and

3 (ii) in paragraph (6)(B), by inserting
4 “the Commonwealth of Puerto Rico, Amer-
5 ican Samoa, the Commonwealth of the
6 Northern Mariana Islands,” after
7 “Guam,”.

8 (3) EFFECTIVE DATE.—

9 (A) IN GENERAL.—The amendments made
10 by this subsection shall be effective with respect
11 to the Commonwealth of Puerto Rico, American
12 Samoa, or the Commonwealth of the Northern
13 Mariana Islands, as applicable, on the date de-
14 scribed in subparagraph (B) if the Secretary
15 submits to Congress a certification under sub-
16 section (f)(3) of section 19 of the Food and Nu-
17 trition Act of 2008 (7 U.S.C. 2028).

18 (B) DATE DESCRIBED.—The date referred
19 to in subparagraph (A) is, with respect to the
20 Commonwealth of Puerto Rico, American
21 Samoa, or the Commonwealth of the Northern
22 Mariana Islands, the date established by the
23 Commonwealth of Puerto Rico, American
24 Samoa, or the Commonwealth of the Northern
25 Mariana Islands, respectively, in the applicable

1 plan of operation submitted to the Secretary
2 under subsection (f)(1)(A) of section 19 of the
3 Food and Nutrition Act of 2008 (7 U.S.C.
4 2028).

5 (b) TRANSITION OF PUERTO RICO, AMERICAN
6 SAMOA, AND THE NORTHERN MARIANA ISLANDS TO SUP-
7 PLEMENTAL NUTRITION ASSISTANCE PROGRAM.—Section
8 19 of the Food and Nutrition Act of 2008 (7 U.S.C. 2028)
9 is amended by adding at the end the following:

10 “(f) TRANSITION OF PUERTO RICO, AMERICAN
11 SAMOA, AND THE NORTHERN MARIANA ISLANDS TO SUP-
12 PLEMENTAL NUTRITION ASSISTANCE PROGRAM.—

13 “(1) SUBMISSION OF PLAN BY PUERTO RICO,
14 AMERICAN SAMOA, AND THE NORTHERN MARIANA
15 ISLANDS.—

16 “(A) SUBMISSION AND REVIEW OF PLAN
17 OF OPERATION.—If a State agency is des-
18 ignated by the Commonwealth of Puerto Rico,
19 American Samoa, or the Commonwealth of the
20 Northern Mariana Islands (referred to in this
21 subsection as a ‘governmental entity’) and sub-
22 mits to the Secretary a request to participate in
23 the supplemental nutrition assistance program
24 and a plan of operation under section 11 (in-
25 cluding a date on which the governmental entity

1 will begin to participate in the supplemental nu-
2 trition assistance program), the Secretary shall
3 determine whether that governmental entity
4 and State agency satisfy the requirements that
5 would apply under this Act for approval of that
6 plan if the governmental entity were 1 of the
7 several States.

8 “(B) DETERMINATION BY SECRETARY.—

9 “(i) APPROVAL.—The Secretary shall
10 approve a plan of operation under subpara-
11 graph (A) if the governmental entity and
12 State agency satisfy the requirements de-
13 scribed in that subparagraph.

14 “(ii) DISAPPROVAL.—If the Secretary
15 does not approve a plan of operation under
16 subparagraph (A), the Secretary shall pro-
17 vide to the governmental entity a state-
18 ment that describes each requirement that
19 is not satisfied by the plan.

20 “(2) APPROVAL OF RETAIL FOOD STORES.—If
21 the Secretary approves a plan of operation under
22 paragraph (1)(B)(i), the Secretary shall accept from
23 retail food stores located in the applicable govern-
24 mental entity applications under section 9 for ap-

1 proval to participate in the supplemental nutrition
2 assistance program.

3 “(3) SUBMISSION OF CERTIFICATION TO CON-
4 GRESS.—The Secretary shall submit to Congress a
5 certification that a governmental entity qualifies to
6 participate in the supplemental nutrition assistance
7 program as if the governmental entity were a State
8 if the Secretary—

9 “(A) approves the plan of operation under
10 paragraph (1)(B)(i); and

11 “(B) approves the applications under para-
12 graph (2) of a number of retail food stores lo-
13 cated in the governmental entity requesting to
14 participate in the supplemental nutrition assist-
15 ance program that would be sufficient to satisfy
16 the requirements of this Act if the govern-
17 mental entity were 1 of the several States.

18 “(4) CASH BENEFITS PROVIDED IN PUERTO
19 RICO.—As part of a plan of operation submitted
20 under paragraph (1)(A), the Commonwealth of
21 Puerto Rico may submit to the Secretary a request
22 to provide benefits under the supplemental nutrition
23 assistance program in the form of cash.

24 “(5) FAMILY MARKET PROGRAM IN PUERTO
25 RICO.—As part of a plan of operation submitted

1 under paragraph (1)(A), notwithstanding subsection
2 (g), the Secretary shall allow the Commonwealth of
3 Puerto Rico to continue to carry out, under the sup-
4 plemental nutrition assistance program, the Family
5 Market Program established under this section.

6 “(g) TERMINATION OF EFFECTIVENESS.—

7 “(1) IN GENERAL.—Subsections (a) through (e)
8 shall cease to be effective with respect to the Com-
9 monwealth of Puerto Rico, American Samoa, or the
10 Commonwealth of the Northern Mariana Islands, as
11 applicable, on the date described in paragraph (2) if
12 the Secretary submits to Congress a certification
13 under subsection (f)(3).

14 “(2) DATE DESCRIBED.—The date referred to
15 in paragraph (1) is, with respect to the Common-
16 wealth of Puerto, American Samoa, or the Common-
17 wealth of the Northern Mariana Islands, the date es-
18 tablished by the Commonwealth of Puerto Rico,
19 American Samoa, or the Commonwealth of the
20 Northern Mariana Islands, respectively, in the appli-
21 cable plan of operation submitted to the Secretary
22 under subsection (f)(1)(A).”.

23 (c) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to the Secretary to carry
25 out this section and the amendments made by this section

- 1 such sums as are necessary for each fiscal year, to remain
- 2 available until expended.